

Date of Determination	9 May 2024
Panel Members	Alison McCabe (Chair) Vanessa Holtham (Independent Expert) Jeremy Swan (Independent Expert)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held on 9 May 2024. Papers circulated electronically on 30 April 2024.

MATTER DETERMINED

LDA2022/0383

Address: 6 Delmar Parade, Gladesville

Proposal: Partial demolition of an existing dwelling, construction of a two-storey dwelling, retention of the garage, and associated landscaping.

PANEL CONSIDERATIONS AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under clause 4.6 (3) of the Ryde Local Environmental Plan 2014 (LEP), that has demonstrated that:

- a) compliance with clause 4.3: height of building is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under clause 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of clause 4.3: height of building of the LEP and the objectives for development in the R2 Low density residential zone; and
- c) the concurrence of the Secretary has been assumed.

DEVELOPMENT APPLICATION

The Panel determined to Approve the development application as described in Schedule 1, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in the Council Report and the addition of a condition requiring privacy screens to the front terrace.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to Approve the application for the following reasons:

- The proposal is consistent with the objectives for R2 zoned land.
- The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal has been supported by a satisfactory Clause 4.6 written variation to Clause 4.3 of Ryde Local Environmental Plan 2014.
- The proposal is considered to be low impact to adjoining properties and surrounding environment.
- The proposal is not contrary to the public interest.

CONDITIONS


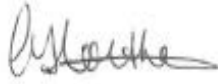

The development application is approved subject to the conditions in the council assessment report and the addition of the following condition.

Condition 19(d) – Privacy Screen (Front Terrace). A privacy screen is to be installed along the entire western side of the ground floor terrace adjacent to the Kitchen/Dining/Living Room. The screen is to have a height of 1.65m above the finished floor level of the terrace and is to include vertical slats which are spaced and directed to prevent any overlooking onto the neighbouring front external stairway of 8 Delmar Parade.

CONSIDERATION OF COMMUNITY VIEWS


In coming to its decision, the Panel considered written submissions made during public exhibition and the matters raised which included potential view impacts.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Alison McCabe (Chair)	
Vanessa Holtham (Independent Expert)	
Jeremy Swan (Independent Expert)	

SCHEDULE 1

1	DA No.	LDA2022/0383
2	Proposal	Partial demolition of an existing dwelling, construction of a two-storey dwelling, retention of the garage, and associated landscaping
3	Street Address	6 Delmar Parade, Gladesville
4	Applicant / Owner	Marco Salvati (Applicant & Owner)
5	Reason for referral to RLPP	Departure from Development Standards – Development that contravenes a development standard by more than 10%. Development Standard: Height of Buildings
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy BASIX ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ryde Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: [Nil] • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Clause 4.6 variation for Height of Buildings • Written submissions during public exhibition:4
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Council assessment report • Written submission during public exhibition: Four • Site Inspection: At the discretion of Panel members • Briefing: 9 May 2024 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Vanessa Holtham (Independent Expert), Jeremy Swan (Independent Expert) ○ <u>Council assessment staff</u>: Carine Elias, Sohail Faridy, Tony Collier, Bekim Haliti



		<ul style="list-style-type: none">• Papers were circulated electronically between om 30 April 2024
9	Council Recommendation	Approval
10	Draft Conditions	Attachment 1 to the council assessment report